



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 8, 1992

Ms. Trudi Dill  
Deputy City Attorney  
City of Temple  
Municipal Building  
Temple, Texas 76501

OR92-195

Dear Ms. Dill:

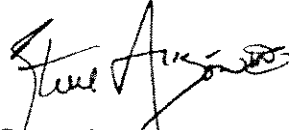
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14236.

The City of Temple Police Department (the department) received an open records request for its file on the investigation of a homicide that occurred on March 2, 1976. You state that although the case has not been actively investigated for some time, the department has no record that the file was ever closed and that the department considers the homicide to be an unsolved and pending case. You further assert that an active investigation of this case would be renewed upon discovery of new clues or evidence. You seek to withhold the file at this time pursuant to sections 3(a)(1) and 3(a)(8) of the Open Records Act.

A previous determination of this office, Open Records Decision No. 408 (1984) (copy enclosed), governs your request. Where the statute of limitations on a crime has not expired and an investigation will again be actively pursued if new information comes to light, details of a police investigation of a crime may be withheld pursuant to section 3(a)(8), despite the fact that the investigation is currently in a "suspended" status. Accordingly, the department may withhold the types of information contained in its investigation file that have previously been held to be protected from required public disclosure in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). We need not, therefore, consider your section 3(a)(1) claims.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-195.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragon", written over the typed name.

Steve Aragon  
Assistant Attorney General  
Opinion Committee

SA/RWP/lmm

Ref.: ID# 14236

Enclosures: Open Records Decision No. 408

cc: Betty Ellis  
1108 Crown Oaks  
Austin, Texas 78753  
(w/o enclosures)